

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

<p>STASON SUTTON,</p> <p>Plaintiff,</p> <p>-against-</p> <p>626 EMMUT PROPERTIES, LTD. AND 10TH AVENUE GROUP, INC.</p> <p>Defendants.</p>	<p>Docket No. 1:18-cv-00090 (JPO)</p> <p>OFFER OF JUDGMENT OF 626 EMMUT PROPERTIES, LTD. AND 10TH AVENUE GROUP, INC. PURSUANT TO FRCP 68</p>
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Defendants 626 EMMUT PROPERTIES, LTD. (“Landlord”) and 10TH AVENUE GROUP, INC. (“Tenant”) (collectively the “Defendants”), by their attorneys DL PARTNERS, attorneys for Landlord, and Arshack, Hajek and Lehrman, PLLC, attorneys for Tenant, in accordance with Federal Rule of Civil Procedure 68, hereby offer to allow judgment to be taken against the Defendants, as full resolution of this case, as follows:

1. Declaring that the restaurant known as 44 & 10 Hell’s Kitchen, located at 626 Tenth Avenue, New York, NY (the “Subject Property”), was not in full compliance with the Americans with Disability Act, 42 U.S.C. 12181, et seq. (the “ADA”), when this case was commenced, but promptly made, without judicial intervention, readily achievable accommodations to allow access and use by persons with disability using wheelchairs and that at present there is no discrimination against such individuals within the meaning of the ADA.
2. Awarding the Plaintiff the sum of \$9,500 for legal fees, expert fees and costs and disbursements, or alternatively, severing the issue of legal fees, expert fees and costs, to be determined by the Court on a fee application.

3. Dismissing without prejudice all non-federal claims raised in the complaint.

Dated: March 31, 2020
New York, New York

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